IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

–

WRIT PETITION NO : 22055 of 2004

Between:

Greatway Shopping Private Limited,

Rep. by its C&MD Sri M. Venkateswara Rao,
S/o. Sri Uma Maheswara Rao, Aged 36 Years,

Occ: Business, Regd. Office: Flat NO.406,
Ratna Complex, Beside Image Hospital, Ameerpet, Hyderabad, A.P.

..... PETITIONER

AND

1 The Principal Secretary (Home), Government of Andhra Pradesh,
Secretariat, Andhra Pradesh, Hyderabad.
2 The Director General of Police - A.P. The D.G.P.'s Office, State Police
HQ.A.P., Lakdi-ka-pool, Hyderabad, A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or directions more in the nature of Writ of Mandamus declaring the actions of the Respondents and their subordinate Police Officials

who are threatening the petitioner and his Business Associates under the guise of one common confidential circular meant for economical offences believed to be issued by the Respondents, or alternatively not considering the prima facie facts is illegal, arbitrary, discriminatory, violative of Article 21 of the Constitution of India.

Counsel for the Petitioner:MR.ANGURU.NARAYANA RAO

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner claims to be a private limited company, undertaking variety of activities, ranging from wholesale to retail, mentioned in para 3 of the affidavit. It seeks a writ of *mandamus* for a declaration that the action of the respondents and their subordinate officials in threatening the petitioner and its business associates under the guise of common confidential circular meant for economic offences, as illegal, arbitrary, discriminatory and violative of Article 21 of the Constitution of India.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner had narrated its nature of activity and business, in particular offering of goods at cheaper rate, providing commission to the associates etc. It is alleged that the activity of the petitioner has come to the adverse notice of the respondents and on the basis of a common confidential circular, various police officials are interfering with the business activities of the petitioner.

The petitioner did not refer to any particular instance of interference by the police. The police authorities are endowed with the duty to ensure that the activities of the persons or organizations within their respective jurisdiction, accord with the provisions of law and to take action against those who violate

it. It is too difficult to record any finding on the basis of the general and vague allegations made by the petitioner in the affidavit nor it is possible for this Court to restrain the police officials for all the time to come from interfering with the activities of the petitioner. As and when any activity of the petitioner is found to be in contravention of any provision of law, or constituting the offence, the police officials are not only entitled to take action but are under obligation to do so. It hardly needs any emphasis that any action to be taken by the police against an individual or an agency can be only on the strength of a definite complaint and on registration of cases.

Hence, the writ petition is disposed of directing that it shall be open to the police authorities concerned to take action against the petitioner only in accordance with law. No order as to costs.

22.12.2004

Note:

Issue CC in one week.

(BO)

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To

1 The Principal Secretary (Home), Government of Andhra Pradesh, Secretariat, Andhra Pradesh, Hyderabad.
2 The Director General of Police - A.P. The D.G.P.'s Office, State Police HQ.A.P., Lakdi-ka-pool, Hyderabad, A.P.

3 Two CCs to the Government Pleader for Home, A.P.High Court Buildings, Hyderabad (OUT).

4 Two CD copies.